

MAR 13 2007

Application No. 10/520,739

REMARKS

Claims 5-19 are pending. By this Amendment, claims 5, 9-11, and 14 are amended without any narrowing of scope, and new claims 15-19 are added.

Objection to the Drawings

Fig. 2 was objected to due to a typographical error with respect to reference numeral 10. By this Amendment, an annotated drawing sheet indicating the correction is submitted, along with a replacement sheet. With this submission, this informality is now believed to be resolved. Withdrawal of the objection to the drawings is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claims 5-8 and 10 have been rejected under 35 U.S.C. § 112, second paragraph, for being indefinite for failing to particularly point out and distinctly claim the invention. The amendment to claims 5 and 10 includes changes to improve the clarity of these claims, and to resolve any insufficiencies of antecedent basis. Withdrawal of the § 112 rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Claims 5-14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 3,504,673 to Parisi. This rejection is respectfully traversed.

The Parisi patent discusses a gun-type injector that operates with a ratcheting action by way of a toothed rack on the plunger rod having teeth with a driving face and a ratcheting face. The rack and rack driver are normally engaged due to the forces applied by the primary leaf spring. Depressing operating lug 46 depresses spring 33, and ultimately breaks the driving connection between the teeth of the rack and rack driver. Applicant respectfully points out that operation of the operating lug 46 and the rest of the release mechanism to break the driving

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connection between the teeth of the rack and rack driver is momentary in nature. In other words, the driving connection remains broken only while the operating lug is pressed in.

No locking slider that can be moved from a locked position into a released position *and maintained in said released position* by an actuator, as claimed in independent claim 5, is taught or suggested by the Parisi patent. Additionally, the protruding portion of said locking slider, and the locking pin, as claimed in claim 5, are not taught or suggested.

With respect to claim 9, the locking device, which comprises a slider movable in a direction generally transverse to the plunger and toothed rack and releaseably engageable with the toothed rack for restricting the motion of said toothed rack and plunger in at least a rearward direction, as well as the locking protrusion movable with the operating lever and engageable with the slider for releaseably securing the slider in a position disengaged with the toothed rack, as claimed, are not taught or suggested by the Pariri patent.

As regarding independent claim 14, the claimed means for limiting motion of the plunger rod, and the means for maintaining disengagement of the means for limiting motion of the plunger rod so as to permit free movement of the plunger rod, are not taught or suggested.

New claim 15 also includes limitations not taught or suggested by the prior art, such as, for example, the locking mechanism partially housed in the syringe body and engageable with the disengageable ratcheting mechanism, the locking mechanism being operable to retain the disengageable ratcheting mechanism in a disengaged state from the plunger rod to permit the plunger rod to move in a backward direction, wherein the locking mechanism engages with the disengagable ratcheting mechanism on an exterior of the syringe body such that an interface of the locking mechanism and the disengageable ratcheting mechanism is exposed.

Claim 14 has also been rejected as being anticipated by U.S. Pat. No. 3,517,668 to Brickson. The Brickson patent discloses a dispensing gun having a ratcheting mechanism that is releasable. The plunger body 18 has a rack of teeth 23 along one portion, and has a smooth

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surface (i.e., no teeth) on the opposite portion thereof. The plunger is rotatable, permitting engagement and disengagement between the rack of teeth 23 and pawls 29 and 33. However, the Brickson patent does not teach or suggest the means for limiting motion of the plunger rod, and the means for maintaining disengagement of the means for limiting motion of the plunger rod so as to permit free movement of the plunger rod, as claimed in claim 14. Under 35 U.S.C. § 112, sixth paragraph, the means plus function elements of claim 14 cover the corresponding structures described in the specification and their equivalents. *See MPEP § 2181.*

For at least these reasons, a *prima facie* case for anticipation has not been made for independent claims 5, 9, and 14. As dependent claims 6-8, 10-13, each further limit their respective base claims, these claims are also believed to be allowable. Withdrawal of the §102 rejections with respect to claims 1-14, and allowance of claims 5-19 is respectfully requested.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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